

AMENDED IN ASSEMBLY MAY 13, 2010

AMENDED IN ASSEMBLY APRIL 22, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## Assembly Joint Resolution

**No. 38**

**Introduced by Assembly Members Caballero, Fuller, and Arambula**

February 25, 2010

Assembly Joint Resolution No. 38—Relative to public resources.

### LEGISLATIVE COUNSEL'S DIGEST

AJR 38, as amended, Caballero. Public resources: Two-Gates Fish Protection Demonstration Project.

This measure would request the United States Department of the Interior to ~~complete~~ *prioritize completion of* its study of the Two-Gates Fish Protection Demonstration Project in the Sacramento-San Joaquin Delta.

Fiscal committee: no.

- 1 *WHEREAS, From 2007 to 2009, inclusive, California*
- 2 *experienced a severe drought that adversely affected water supplies*
- 3 *in many parts of the state, including water exported from the*
- 4 *Sacramento-San Joaquin Delta (Delta) by the State Water Project*
- 5 *(SWP) and the federal Central Valley Project (CVP), and also*
- 6 *adversely affected the environment, including commercially*
- 7 *valuable fish species; and*
- 8 *WHEREAS, While most of the 2009 SWP and CVP water*
- 9 *delivery reductions resulted from the multiyear drought, some*
- 10 *additional reductions were made to protect state and federally*
- 11 *listed smelt, salmon, and steelhead species native to the Delta,*

1 *pursuant to federal biological opinions required by the federal*  
2 *Endangered Species Act; and*

3 *WHEREAS, Water shortages during the drought of 2007 to*  
4 *2009, inclusive, and the adverse economic, social, and*  
5 *environmental effects resulting from those shortages, underscore*  
6 *the need for California to do everything possible to manage our*  
7 *limited water resources efficiently, carefully, and responsibly; and*

8 *WHEREAS, Currently, scientific studies of the causes of declines*  
9 *in populations of fish species in the Delta are ongoing and continue*  
10 *to further our understanding of the delicate environmental balance*  
11 *in the Delta and the influences of the various stressors affecting*  
12 *these populations; and*

13 *WHEREAS, While there are many projects to be considered in*  
14 *working to protect and recover fish populations in the Delta, the*  
15 *Legislature urges expedient consideration of the Two-Gates Fish*  
16 *Protection Demonstration Project. With \$28,000,000 of funding*  
17 *for the project allocated as part of Proposition 84 (Senate Bill 1,*  
18 *Chapter 5 of the Seventh Extraordinary Session of the Statutes of*  
19 *2009) and additional funding available from a combination of*  
20 *federal and private funds, this experimental project proposes to*  
21 *install barriers and gates that could reduce the loss of Delta smelt*  
22 *at state and federal pumps; and*

23 *WHEREAS, While information about how the Two-Gates Fish*  
24 *Protection Demonstration Project will affect Delta smelt and other*  
25 *imperiled fish species is currently unclear, the project presents a*  
26 *creative option that should be expeditiously analyzed and, if viable,*  
27 *implemented; and*

28 *WHEREAS, In light of the importance of the Delta estuary, its*  
29 *fisheries, the millions of Californians who depend on the Delta*  
30 *for drinking water, and the millions of acres of prime farmland*  
31 *that depend on the Delta for irrigation, there is great urgency to*  
32 *identify and implement programs and projects that advance*  
33 *California's coequal goals of protecting and restoring the Delta*  
34 *ecosystem while ensuring a reliable water supply for California;*  
35 *now, therefore, be it*

36 **RESOLVED BY THE ASSEMBLY AND THE SENATE OF**  
37 **THE STATE OF CALIFORNIA, JOINTLY, That the Legislature**  
38 **requests the United States Department of the Interior to prioritize**  
39 **completion of its study of the Two-Gates Fish Protection**

1 *Demonstration Project in the Sacramento-San Joaquin Delta; and*  
2 *be it further*

3 RESOLVED, *That the Chief Clerk of the Assembly transmit*  
4 *copies of this resolution to the author for appropriate distribution.*

5 ~~WHEREAS, According to the National Oceanic and~~  
6 ~~Atmospheric Administration's Satellite and Information Service,~~  
7 ~~the western region of the United States experienced a severe to~~  
8 ~~extreme drought from 2007 to 2009, inclusive, which decreased~~  
9 ~~water supply by as much as 8 percent; and~~

10 WHEREAS, ~~The people in the state must do all they reasonably~~  
11 ~~can to reduce water use and ensure that water is made available to~~  
12 ~~meet the state's demands in an environmentally conscious way;~~  
13 ~~and~~

14 ~~WHEREAS, Although all Californians suffer from reduced~~  
15 ~~water supply, especially affected may be those who live in rural~~  
16 ~~farming communities; and~~

17 WHEREAS, ~~In 2009, the Westlands Water District, which serves~~  
18 ~~the western parts of Fresno and Kings Counties, caused 220,000~~  
19 ~~acres of land to lie fallow when it reduced outflow to farm lands~~  
20 ~~to 10 percent, which was a full 15 percent lower than reductions~~  
21 ~~made in much more severe droughts in the past. This in turn caused~~  
22 ~~4,200 jobs tied to that land to be lost, causing citizens and workers~~  
23 ~~to join the ever-growing ranks of the unemployed, according to a~~  
24 ~~study conducted by the University of California at Davis; and~~

25 WHEREAS, ~~The Legislature is aware that the outflow reductions~~  
26 ~~were made in an effort to protect the state and federally listed Delta~~  
27 ~~smelt, a fish native to the Sacramento-San Joaquin Delta Estuary.~~  
28 ~~These reductions came about as a result of a United States Fish~~  
29 ~~and Wildlife Service biological opinion that is the subject of further~~  
30 ~~legal challenge in a federal district court; and~~

31 WHEREAS, ~~Because of the three-year drought and the~~  
32 ~~restrictions imposed by the biological opinion, the State Water~~  
33 ~~Project water allocation was just 40 percent of its contracted water~~  
34 ~~supply last year, and the federal Central Valley Project water~~  
35 ~~allocation was just 10 percent of its contracted water supply. As~~  
36 ~~of March 30 of this year, the State Water Project water allocation~~  
37 ~~is just 20 percent, and the water allocation for agriculture served~~  
38 ~~by the federal Central Valley Project is 30 percent; and~~

39 WHEREAS, ~~Restrictions imposed on state and federal pumping~~  
40 ~~facilities to protect the Delta smelt and salmon have been in place~~

~~for over a decade, but the decline of these and other species continues; and~~

~~WHEREAS, These outflow reductions have produced very human consequences. In 2009, the Western Farm Press reported that farmers lost 600,000 acre-feet of water because of environmental protections, meaning that 500,000 acres of farmland were made to lie fallow. This caused growers and processors to cut as many as 1,150 field-related jobs and 21,000 general agricultural jobs, contributing to a 40-percent unemployment rate in parts of San Joaquin Valley. This has produced a net economic loss of \$1 billion at a time when the state cannot afford to lose income; and~~

~~WHEREAS, Currently, studies are ongoing to further investigate the influences of water pumping on the Delta smelt population; and~~

~~WHEREAS, While there are many projects to be considered, the Legislature urges expedient consideration of the Two-Gates Fish Protection Demonstration Project. With \$28 million of funding for the project allocated as part of Proposition 84 (Senate Bill 1, chaptered as Chapter 5 of the Seventh Extraordinary Session of the Statutes of 2009) and the rest of the costs being met by a combination of federal and private funds, the project will provide for an experimental program that will install gates to reduce the loss of the Delta smelt at the state and federal pumps; and~~

~~WHEREAS, While information about how the Two-Gates Fish Protection Demonstration Project will affect Delta smelt is unclear, the project presents a viable option to immediately protect an endangered species and begin to return much needed jobs to rural Californians; and~~

~~WHEREAS, Swift action must be taken to protect the Delta smelt and salmon and to protect the water supply for California's citizens, businesses, and farms; and~~

~~WHEREAS, It is important to preserve endangered species, as well as to conduct studies efficiently and accurately, and given the previously mentioned human tragedy, expediency is of utmost importance in this matter; now, therefore, be it~~

~~*Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature requests the United States Department of the Interior to complete its study of the Two-Gates*~~

- 1 ~~Fish Protection Demonstration Project in the Sacramento-San~~
- 2 ~~Joaquin Delta; and be it further~~
- 3 ~~*Resolved*, That the Chief Clerk of the Assembly transmit copies~~
- 4 ~~of this resolution to the author for appropriate distribution.~~

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